

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

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UNITED STATES OF AMERICA :

INFORMATION

- v. - :

BRENDAN JOHNSTON,  
a/k/a "BV1,"

14 Cr.

14 CRIM 404

Defendant. :

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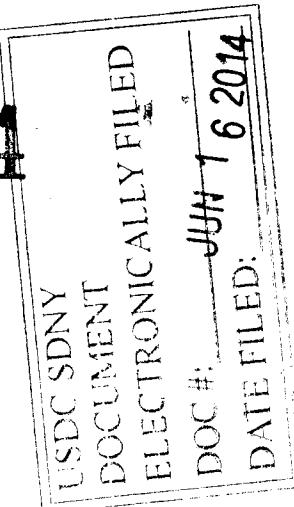
COUNT ONE

(Conspiracy to Commit Computer Hacking)

The United States Attorney charges:

1. From at least in or about August 2011, up to and including in or about May 2014, in the Southern District of New York and elsewhere, BRENDAN JOHNSTON, a/k/a "BV1," the defendant, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to engage in computer hacking, in violation of Title 18, United States Code, Section 1030(a)(5)(A).

2. It was a part and an object of the conspiracy that BRENDAN JOHNSTON, a/k/a "BV1," the defendant, and others known and unknown, willfully and knowingly would and did cause the transmission of a program, information, code and command, and, as a result of such conduct, would and did intentionally cause damage without authorization to a protected computer, which would and did cause damage affecting 10 and more protected computers during a one-year period, in violation of Title 18, United States



Code, Sections 1030(a)(5)(A), 1030(c)(4)(B)(i) and (c)(4)(A)(i)(VI), to wit, JOHNSTON sold malicious software, or "malware," under the brand name "Blackshades" (the "Blackshades Malware") and provided technical support to users of the Blackshades Malware, enabling them to, among other things, infect and remotely control victims' computers.

**Overt Acts**

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. From at least in or about August 2011, up to and including in or about September 2012, BRENDAN JOHNSTON, a/k/a "BV1," the defendant, marketed and sold Blackshades Malware through a website that was accessible in the Southern District of New York.

b. On or about October 20, 2011, JOHNSTON sent an electronic message to a Blackshades customer regarding activating that customer's Blackshades account.

c. On or about September 25, 2012, JOHNSTON made a posting to an online hacking forum in which he stated that an individual was fired from the Blackshades organization because that individual was "attempting to cause issues amongst my staff as well as pocketing payments for himself."

d. In or about 2013, an undercover law enforcement agent in New York, New York purchased certain Blackshades Malware from a website maintained by Blackshades.

(Title 18, United States Code, Section 1030(b).)

**COUNT TWO**  
**(Transmission of Malware)**

The United States Attorney further charges:

4. From at least in or about August 2011, up to and including in or about September 2012, in the Southern District of New York and elsewhere, BRENDAN JOHNSTON, a/k/a "BV1," the defendant, willfully and knowingly caused the transmission of a program, information, code, and command, and as a result of such conduct, intentionally caused damage without authorization to a protected computer, and thereby caused damage affecting 10 and more protected computers during a one-year period, to wit, JOHNSTON sold, activated, and provided technical support for Blackshades Malware, enabling users of the malware to, among other things, infect and remotely control victims' computers.

(Title 18, United States Code, Sections 1030(a)(5)(A), 1030(c)(4)(B)(i) and (c)(4)(A)(i)(VI), and 2.)

**FORFEITURE ALLEGATIONS**

5. As a result of committing one or more of the offenses alleged in Counts One and Two of this Information, BRENDAN JOHNSTON, a/k/a "BV1," the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(2)(B), any property constituting, or derived from, proceeds obtained directly or indirectly as a result of one or more of the offenses.

6. As a result of committing one or more of the offenses alleged in Counts One and Two of this Information, BRENDAN JOHNSTON, a/k/a "BV1," the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 1030(i)(1)(A), any personal property used or intended to be used to commit the offenses including, but not limited to:

a. All right, title, and interest in any computers used in connection with his distribution of Blackshades Malware; and

b. All right, title, and interest in the domain names www.blackshades.ru and www.bshades.eu.

**SUBSTITUTE ASSETS PROVISION**

7. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b)(1) and 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 982(a)(2)(A), 982(a)(2)(B), and Title 21, United States Code, Section 853(p).)

Preet Bharara  
PREET BHARARA  
United States Attorney

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